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STATE OF ALABAMA

89-00452

SEP 28 1989

Honorable Jasper Fielding
Chairman
Coosa County Commission
P.O. Box 218
Rockford, Alabama 35136

Prisons and Prisoners - Work
Release - County Commissions -
Counties

If a state inmate is placed on
work release by the appropriate
authority, the Coosa County
Commission is authorized to
employ him to perform any
county job available, including
janitorial work.

Dear Judge Fielding:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

May the Coosa County Commission hire as a
janitor a state inmate who is eligible for
work release and pay him with county funds?

FACTS AND ANALYSIS

At the outset we note that in an opinion we issued to you
on August 4, 1989 (No. 89-00393), you inquired whether the
county commission could hire as a janitor a state inmate who
was not eligible for work release. You now inform us it has
come to your attention that the individual in question is
serving a life sentence in the county jail and that he is
eligible for work release.

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Code of Alabama 1975, § 14-8-31 provides for the authorization and establishment of work release programs for state inmates in the custody of the county.

Moreover, as we stated in the opinion issued to you on August 4, 1989, Code of Alabama 1975, § 14-8-36 provides as follows:

"The state of Alabama and any county are hereby authorized to become employers of work release inmates under this article, and as such may employ inmates to perform any state or county job available, including, but not limited to, road or bridge work, garbage collection and school grounds maintenance.

"(b) Inmates employed under this section shall be paid the federally established minimum wage."

It is the opinion of this office that under the provisions of the foregoing statute, if the inmate in question is placed on work release by the appropriate authority, the Coosa County Commission is authorized to employ him to perform any county job available, including janitorial work. Said inmate should be paid the federally established minimum wage.

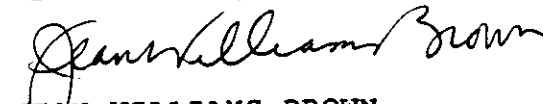
CONCLUSION

If a state inmate is placed on work release by the appropriate authority, the Coosa County Commission is authorized to employ him to perform any county job available, including janitorial work.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General
By:


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Assistant Attorney General

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